

Notice of Allowability

Application No.

10/707,818

Applicant(s)

STERN ET AL.

Examiner

Art Unit

Mark W. Bockelman

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 3-10-2006.
2. ☒ The allowed claim(s) is/are 1 and 3-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

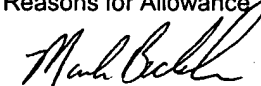
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3-10-2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


MARK BOCKELMAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on March 10, 2006, Sonya Harris requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 502854 the required fee of \$60 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1, 13, 21 and 27 are amended as:

Claim 1 (Twice amended) An articulated electrode assembly, said assembly comprising:

at least three electrode [a set of] paddles, [at least one] each electrode paddle positioned adjacent another electrode paddle and comprising:

a support member;

[at least one coupling member configured for detachable coupling to another paddle, said at least one coupling member spanning between said paddles;]

a set of electrical contacts carried by said support member for contacting a patient; and

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an electrical lead wire at least partially carried by said support member and coupled to at least one electrical contact; and

[wherein at least one paddle is sized and configured for implantation at a neuroanatomical location within a patient.]

at least one coupling member positioned between each set of adjacent sides of said at least three electrode paddles and having a narrowed portion relative to said adjacent sides so as to aid in the decoupling of said electrode paddles from one another; wherein said electrical wires carried by said support members are of different lengths relative to one another thereby facilitating different spacing between the electrode paddles when uncoupled.

Claim 13. (Amended) An articulated electrode assembly, said assembly comprising:

a set of paddles, [at least one] each paddle positioned adjacent another electrode paddle and comprising:

a support member;

[at least one coupling member configured for separable decoupling from another paddle; and]

a set of electrical contacts [,] carried by the support member for contacting a patient; and

a set of electrical leads comprising at least one electrical lead wire, each electrical lead wire being coupled to an electrical contact, and

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each electrical lead wire at least partially carried by at least one support member
[.]

at least one coupling member positioned between adjacent sides of said set of paddles and holding said set of paddles spaced from one another, said coupling member being narrower in dimension than said adjacent paddles sides and having a perforated portion.

Claim 21. (Amended) A method for implanting a neural electrode assembly within a patient, said method comprising:

determining a set of neural target sites;
providing access to said target sites;
physically decoupling a set of coupling members spanning between a set of paddles whereby said decoupling provides for paddle detachment and separation from each other; said paddles having a set of electrical contacts; and
implanting [placing] each of said paddles relative to the target sites.

Claim 27. (Amended) An implantable electrical system, said system comprising:

(a) an articulated electrode assembly, said assembly comprising:
at least three electrode [a set of] paddles, [at least one] each electrode paddle positioned adjacent another paddle and comprising;
a support member;
[at least one coupling member configured for detachable coupling

to another paddle;]

a set of electrical contacts carried by said support member for contacting a patient; and

at least one coupling member positioned between each set of adjacent sides of said at least three electrode paddles and having a narrowed portion relative to said adjacent sides so as to aid in the decoupling of said electrode paddles from one another; and

(b) a pulse generating device; and

(c) a set of lead wires, each wire of said set at least partially carried by one of said [the] support members and coupling at least one electrical contact of each paddle to said pulse generating device, wherein said electrical wires carried by said support members are of different lengths relative to one another thereby facilitating different spacing between electrode paddles when uncoupled;

(d) wherein said articulated electrode assembly, pulse generating device and set of lead wires are dimensioned and configured for implantation within a patient and comprised of biocompatible materials.

In claim 17, at line 1 after "claim"

"13" has been deleted

--1-- has been inserted

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach a 3 paddle coupled configuration with different wire lengths. This allows the paddles to be uncoupled and moved to different sites while allowing some of the paddles and the generator to remain stationary. This type of uncoupling is not found for the recited implanting procedure. Finally, the embodiments in which a perforated portion for tearing is placed upon a reduced diameter coupling portion, allowing flexibility and/or facilitating selective uncoupling is not found in the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W. Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 10:00 to 6:30.

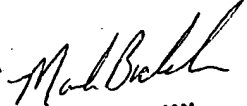
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272 -6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWB

March 11, 2006


MARK BOCKELMAN
PRIMARY EXAMINER